

REMARKS

Claims 1-16 are pending in the application. Claims 1-16 have been rejected.

Claim 1 has been amended to recite that the composite tape has a release tape comprising a backing layer, an adhesive layer, and an outer end, wherein the backing layer of the release tape entirely covers the mechanical fastener material of the fastening tape and wherein the release tape is releasably secured with adhesive to the fastening tape at the outer end of the release tape. Support for the amendment to claim 1 can be found in the specification at page 8, lines 7-21 and at page 9, lines 8-12, as well as in Figures 3, 4, 7, 8 and 12 and throughout the specification.

Rejection of Claims 1-5, 12 and 14-16 under 35 U.S.C. 103(a)

Claims 1-5, 12 and 14-16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Richter et al. (US 6,363,587) in view of Kato (US 5,926,926). Although the Examiner acknowledges that Richter fails to disclose the backing layer of the release tape entirely covering the mechanical fastener of the fastening tape, the Examiner contends that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to have provided the backing layer of the release tapes covering mechanical fasteners in Richter, et al. in order to form a disposable absorbent article that has release tapes in the closed position in order to facilitate packing of the articles as taught by Kato.

Applicant respectfully disagrees with the Examiner's contention. The release tab (35) of Richter is positioned adjacent to the mechanical fastener along the inner tab portion (34) and does not cover the mechanical fastener (31) (see, for example, Fig 4). The release tab (35) and mechanical fastener (31) are in an abutting relationship, and when the tape tab laminate is folded, the mechanical fastener (31) remains exposed to the inner surface of the diaper (1) (see Figs. 6 and 11). Upon folding of the tape tab laminate (30), the adhesive (44) of the release tab adheres to the diaper (1), thereby keeping the tab in a folded condition and preventing extension of the tab beyond the edge of the

diaper prior to use. The release tab (35) does not function in the same manner as Applicant's tape to protect the mechanical fastener (31) from contamination or damage during storage and transport.

The cover (30) of Kato is attached to the hook panel (26) by loop panel (40). (See Figures 6-8.) It appears the Examiner has used hindsight construction to dissect the cover of Kato and transplant it into the mechanical fastener of Richter without any teaching or suggestion in either reference for the modification. Even if such a modification was proper, the resulting construction would not be operable, nor would it be the construction as claimed by Applicant. If one were to move the release tab of Richter to cover the mechanical fastener, as stated by the Examiner, the hooks (11) of Richter would remain covered with adhesive (44) upon unfolding, thereby not properly adhering to mating fastener (4). Furthermore, the resulting structure would not be the composite tape claimed by Applicant. As now recited in claim 1, the release tape of the composite tape comprises a backing layer, an adhesive layer, and an outer end, wherein the backing layer of the release tape entirely covers the mechanical fastener material of the fastening tape and wherein the release tape is releasably secured with adhesive to the fastening tape at the outer end of the release tape.

Applicant submits that the references are not sufficient, either alone or in combination, to suggest Applicant's invention to one of ordinary skill in the art. Neither Richter, nor Kato, alone or in combination, teach or suggest a release tape that entirely covers the mechanical fastener material, wherein the release tape is releasably secured with adhesive to the fastening tape at the outer end of the release tape. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 1-5, 12 and 14-16 under 35 U.S.C. §103(a).

Rejection of Claims 6, 7 and 9-11 under 35 U.S.C. 103(a)

Claims 6, 7 and 9-11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Richter et al. (US 6,363,587) in view of Kato (US 5,926,926) and further in view of Alberg et al. (US 6,526,631). The Examiner has stated that Richter et al., as modified with Kato, disclose the claimed composite

tape forming closure tabs for disposable articles above except for the intermediate section being extensible, at least one of the backing film and the backing layer comprises a non-woven polymeric film, an extensible composite or a textile. The Examiner contends that it would have been obvious to one of ordinary skill in the art to have provided the extensible intermediate section formed of polymeric non-woven film or textile in the modified Richter et al. in order to form a mechanical fastener tape tab laminate that remains in a folded position as taught by Alberg et al.

Applicant respectfully disagrees with the Examiner's contention. As discussed above, neither Richter nor Kato teach or suggest a composite tape having release tape that entirely covers the mechanical fastener material, wherein the release tape is releasably secured with adhesive to the fastening tape at the outer end of the release tape. Alberg et al. do not cure the deficiencies of Richter and Kato. Alberg et al. disclose a mechanical fastener tape that is substantially similar to that of Richter et al., with the exception that the tape tab backing is provided with an elastic section. (See Figure 17.) Because none of the cited references disclose, teach or suggest the composite tape claimed by Applicant, Applicant respectfully requests withdrawal of the rejection of claims 6, 7 and 9-11 under 35 U.S.C. §103(a).

Rejection of Claim 8 under 35 U.S.C. §103(a)

Claim 8 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Richter et al. (US 6,363,587) in view of Kato (US 5,926,926) and further in view of Pape et al. (US 4,726,971). The Examiner has stated that Richter et al., as modified with Kato, disclose the claimed composite tape forming closure tabs for disposable articles above except at least one of the backing film and backing layer comprises paper. Pape et al. teach a composite tape forming closure tabs for disposable articles having at least one of the backing film and backing layer comprises paper for the purpose of forming closures for disposable diapers. The Examiner contends that it would have been obvious to one of ordinary skill in the

art to have provided the paper backing film in the modified Richter et al. in order to form closures for disposable diapers as taught by Pape et al.

Applicant respectfully disagrees with the Examiner's contention. As discussed above, neither Richter nor Kato teach or suggest a composite tape having a release tape that entirely covers the mechanical fastener material, wherein the release tape is releasably secured with adhesive to the fastening tape at the outer end of the release tape. Pape et al. do not cure the deficiencies of Richter and Kato. Because none of the cited references disclose, teach or suggest the composite tape claimed by Applicant, Applicant respectfully requests withdrawal of the rejection of claim 8 under 35 U.S.C. §103(a).

Rejection of Claim 13 under 35 U.S.C. §103(a)

Claim 13 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Richter et al. (US 6,363,587) in view of Kato (US 5,926,926) and further in view of Borgers et al. (US 4,795,456). The Examiner has stated that Richter et al., as modified with Kato, disclose the claimed composite tape forming closure tabs for disposable articles above except the bonding section is weld to the disposable absorbent article. Borgers et al. teach a composite tape forming closure tabs for disposable articles where the bonding section is welded to the disposable absorbent article for the purpose of forming a tab that provides stabilizing means for preventing premature extension of an extensible diaper tab. The Examiner contends that it would have been obvious to one of ordinary skill in the art to have provided the bonding section welded to the disposable absorbent article in the modified Richter et al. in order to form a tab that provides stabilizing means for preventing premature extension of an extensible diaper tab as taught by Borgers et al.

Applicant respectfully disagrees with the Examiner's contention. As discussed above, neither Richter nor Kato teach or suggest a composite tape having a release tape that entirely covers the mechanical fastener material, wherein the release tape is releasably secured with adhesive to the fastening tape at the outer end of the release tape. Borgers et al. do not cure the

deficiencies of Richter and Kato. Because none of the cited references disclose, teach or suggest the composite tape claimed by Applicant, Applicant respectfully requests withdrawal of the rejection of claim 13 under 35 U.S.C. §103(a).

Conclusion

In view of the foregoing amendment and remarks, Applicant respectfully request reconsideration and a timely issuance of a notice of allowance for claims 1-16.

In the event any fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 under Attorney Docket No. AVERP3435USA.

Respectfully submitted,

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